



PATENT

2171
#9
12/13/01

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marcel Aeschlimann et al.

Serial No.: 09/831,838

Art Unit: 2171

Filed: June 11, 2001

Title: METHOD FOR THE RETRIEVAL OF INFORMATION FROM
DATABASES AND SYSTEM FOR CARRYING OUT THE SAID
METHOD

Docket No.: FRR-12507

Technology Center 2100

DEC 1 0 2001

RECEIVED

LETTER
ENGLISH TRANSLATION

Asst. Commissioner of Patents
Washington, D.C. 20231

Sir:

Enclosed is an English translation of the International Preliminary Examination
Report for filing in the above-identified application.

If there are any fees resulting from this communication, please charge the same to
Deposit Account No. 18-0160, Order No. FRR-12507.

Respectfully submitted,

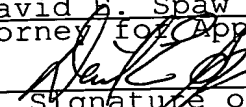
RANKIN, HILL, PORTER & CLARK LLP

By


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I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
envelope addressed to: Assistant Commissioner for Patents,
Washington, D.C. 20231 on the date indicated below.

David E. Spaw
Name of Attorney for Applicant(s)
10/24/01
Date

Signature of Attorney

PATENT COOPERATION TREATY

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

FREI PATENTANWALTSBÜRO
 Postfach 768
 CH-8029 Zürich
 SUISSE

EINGANG

29. Juni 2001

Frei
 Patentanwaltsbüro

Date of mailing (day/month/year) 19 June 2001 (19.06.01)	
Applicant's or agent's file reference	IMPORTANT NOTIFICATION
International application No. PCT/CH99/00530	International filing date (day/month/year) 11 November 1999 (11.11.99)
Applicant CREAHOLIC S.A. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AU,CA,CN,JP,KP,KR,NZ,PL,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP,EA,EP,AE,AL,AM,AT,AZ,BA,BB,BG,BR,BY,CH,CR,CU,CZ,DE,DK,DM,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,NO,PT,RC, RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW,OA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Odile ALIU Telephone No. (41-22) 338.83.38
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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH99/00530	International filing date (day/month/year) 11 November 1999 (11.11.99)	Priority date (day/month/year) 16 November 1998 (16.11.98)
International Patent Classification (IPC) or national classification and IPC G06F 17/30		
Applicant CREAHOLIC S.A.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 15 June 2000 (15.06.00)	Date of completion of this report 16 February 2001 (16.02.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/CH99/00530

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☒ the international application as originally filed.

☒ the description, pages 1-12, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-23, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig _____, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	2-15, 18-20, 23	YES
	Claims	1, 16, 17, 21, 22	NO
Inventive step (IS)	Claims	3-11, 18-20	YES
	Claims	2, 12-15, 23	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: FUJINO N ET AL: 'MOBILE INFORMATION SERVICE
BASED ON MULTI-AGENT ARCHITECTURE' IEICE
TRANSACTIONS ON COMMUNICATIONS, JP, INSTITUTE OF
ELECTRONICS INFORMATION AND COMM. ENG. TOKYO,
Vol E80-B, No. 10, 1 October 1997 (1997-10-01),
pages 1401-1406, XP000734533 ISSN:0916-8516
D2: DE-A-195 24 927 (SEL ALCATEL AG), 9 January 1997
(1997-01-09), cited in the application.

1.1 Document D1 is considered the closest prior art with respect to the subject matter of independent Claims 1 and 16 and their dependent Claims 2 and 17. It discloses a system which has all the technical features of Claims 16 and 17 and differs from the subject matter of Claims 1 and 2 only in that D1 does not specify the feature according to which the information request is transmitted together with the position information to the computer supplying the information.

Regarding the disclosure of D1:

The disclosed features are contained in the abstract and on page 1401, column 1, lines 11-33; page 1401, column 2, lines 10-32; page 1403, column 2, lines 40-48; page 1404, column 1, lines 8-27; page 1404, column 2, lines 13-17; Figure 5. In D1 the request for information as per the claims corresponds to the request for map sections and area information, which are obtained from the Worldwide Web in accordance with the position of the user and transmitted to him. One possibility (see D1, page 1401, column 2, lines 18-20) is for the user device to generate or obtain the position data via GPS (Global Positioning System) and transmit same to the computer.

Regarding the difference between D1 and Claims 1 and 2:

D1 does not explicitly state that the information request and position data are jointly transmitted to the computer.

The present invention can therefore be understood to solve the problem of ensuring that the information transmitted, particularly the map sections and area information, relates as precisely as possible to the user's current position and is therefore as useful as possible.

For the following reasons the solution suggested in Claims 1 and 2 of the present application cannot be considered inventive (PCT Article

33(3)):

Document D2, which describes a similar system as D1, implies (see abstract, column 2, line 37, to column 4, line 44), like the present application, that the information request and position data are simultaneously transmitted to the computer obtaining the information and that the information obtained relates to the user's current position. For the person skilled in the art it would therefore be a routine measure to take the system as per D1 and jointly transmit the information request and position data from the user device to the computer, in order to solve the problem of interest.

Moreover, the subject matter of independent Claims 1 and 16 is in itself fully disclosed in D2 (see abstract, page 2, line 37, to page 4, line 44) since these claims do not specify that the user device generates or obtains the position data.

The subject matter of Claims 1, 16 and 17, and of Claim 2, can therefore not be considered novel and inventive (PCT article 33(2) and (3)).

- 1.2 Dependent Claims 12-15 and 21-23 appear to contain no features which, combined with the features of the claims listed under 1.1 and to which they refer, meet the PCT requirements for novelty and inventive step. The subject matter of Claims 21 and 22, combined with the subject matter of Claim 16 in D2 (see abstract, page 2, line 37, to page 4, line 44) in particular is disclosed, since none of these claims specify that the user device generates or

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obtains the position data.

- 1.3 The features of dependent Claims 3, 6 and 18 ,
combined with the features of claims to which they
refer, appear to meet the PCT requirements for
novelty and inventive step.

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 and D2 or indicate the relevant prior art disclosed therein.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The expression "geographical characteristics of the position having been determined", used in Claim 13, is unclear and raises doubt as to the meaning of the technical feature concerned. As a result, the definition of the subject matter of this claim is unclear (PCT Article 6).